

CORRECTED OPINION
OPINION
CONDITION NO. 2
NO. 2

BOARD OF APPEALS

CORRECTED

for

CONDITION

MONTGOMERY COUNTY

Stella Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Case No. S-2532

PETITION OF LESLIE HOPKIN

OPINION OF THE BOARD

(Date of Decision: January 8, 2003)

(Effective Date of Opinion: February 12, 2003)

Case No. S-2532 is application for a special exception pursuant to Section 59-G-2.49 (Riding Stable) of the Zoning Ordinance to permit the: (1) construction of a two-stall barn for shelter of two horses and storage of related materials, and (2) installation of a 4 ½ foot-tall fence.

Pursuant to the provisions in Section 59-A-4.125 of the Montgomery County Code, the Board of Appeals referred the application to the Hearing Examiner for Montgomery County to conduct a public hearing and render a written report and recommendation to the Board for final action. The Hearing Examiner convened a public hearing on October 21, 2002, and on December 10, 2002, issued a Report and Recommendation for approval of the special exception.

Decision of the Board: Special Exception **Granted**, subject to conditions enumerated below.

The subject property is Lot 1 and adjacent parcel, Needwood Knolls Subdivision, located at 6104 Muncaster Mill Road, Rockville, Maryland, in the RE-1 Zone.

The Board of Appeals has carefully considered the Hearing Examiner's Report and Recommendation. At its Worksession on January 8, 2003, the Board voted to adopt the Report and Recommendation and **grant** the special exception subject to the following conditions:

1. Petitioner shall be bound by her testimony and exhibits of record, including Exhibit No. 18(a), Amended Site Plan, to the extent that such evidence and representations are

identified in the Hearing Examiner's Report and Recommendation and in the opinion of the Board.

2. **There will be no horse shows** on site.
3. All horses on site must belong to the property owner.
4. The Petitioner will submit a conservation management plan to the Montgomery Soil Conservation District annually, within one month of the anniversary of the granting of the special exception.
5. Setback waivers are granted as follows:
 - (a) the front paddock fence may sit 25 feet from the eastern and southern property lines; and
 - (b) the rear paddock fence may sit 25 feet from the northern property line and ten feet from the southern property line.

On a motion by Allison Ishihara Fultz, seconded by Donna L. Barron, with Louise L. Mayer, Angelo M. Caputo and Donald H. Spence, Jr., Chairman in agreement, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the Opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled case.

Donald H. Spence, Jr.
Chairman, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 10th day of February, 2003.

Katherine Freeman

Executive Secretary to the Board

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.

